

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CURTIS MASON,)	
)	
)	
Plaintiff,)	07 C 4712
)	
)	
v.)	
)	
)	
CITY OF CHICAGO,)	Judge Norgle
Defendant.)	Magistrate Judge Denlow
)	

AGREED STIPULATION

Defendant City of Chicago, by its attorney, Mara S. Georges, Corporation Counsel, hereby stipulates to the following:

1. Plaintiff Curtis Mason filed a First Amended Complaint against Chicago Police Officers Michael R. Garza, Elizabeth Briggs (now known as Elizabeth Ayala), Neil J. Evans, Brian Hood, Everly Cole, Thomas J. Barksdale, Rebecca V. Garcia, Timothy A. Uldrych, Rickie D. Whitten, Unknown Chicago Police Officers and the City of Chicago. Plaintiff's First Amended Complaint includes federal claims brought pursuant to 42 U.S.C. § 1983.
2. In his First Amended Complaint, plaintiff claims that defendant Chicago Police Officers Michael R. Garza, Elizabeth Briggs (now known as Elizabeth Ayala), Neil J. Evans, Brian Hood, Everly Cole, Thomas J. Barksdale, Rebecca V. Garcia, Timothy A. Uldrych, Rickie D. Whitten, Unknown Chicago Police Officers violated his constitutional rights as a direct result of policies and practices of the City of Chicago. Hence, plaintiff has brought claims against the City.¹ In plaintiff's First Amended Complaint, he seeks a judgment against the City for damages caused by the alleged violations of his rights under the Constitution.

¹See *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978).

3. Without admitting plaintiff's *Monell* allegations in his First Amended Complaint, the City of Chicago agrees to entry of judgment against the City for compensatory damages and costs under FRCP 54(d), and, to the extent allowed by the court, other reasonable attorneys fees and costs pursuant to 42 U.S.C. § 1988, if the finder of fact in this case finds that any City employee violated plaintiff's constitutional rights as alleged in his First Amended Complaint. By this agreement, the City preserves its right to make post-trial motions and/or appeal consistent with this stipulation.

4. Further, if the finder of fact in this case finds that any City employee violated plaintiff's constitutional rights as alleged in his First Amended Complaint, plaintiff will not proceed with any additional litigation regarding plaintiff's *Monell* claims as contained in his First Amended Complaint.

AGREED TO BY:

MARA S. GEORGES
Corporation Counsel

BY: A.C.Kosztya
Ashley C. Kosztya
Assistant Corporation Counsel
Counsel for Defendant City of Chicago
30 North LaSalle Street, Ste. 1020
Chicago, Illinois 60602
(312) 744-2826

Date: 5-1-09

Samantha Liskow
Samantha Liskow
Counsel for Plaintiff
312 North May Street
Chicago, Illinois 60607
(312) 243-5900

Date: 5/1/09